IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No, 246 (S/S)02
(Old no. 34520 of 1995)

Ramesh Chandra Bhatt S/o Sri Mani Ram Bhatt,
Resident of Misra-gaon, Dhanari,
Post Office Bhatwari Dhanari,
District Uttarkashi. ---- Petitioner.

Vs.

1. State of U.P.,
2. Director of Vocational Educational,
   Directorate, Lucknow,
3. District Inspector of Schools, Uttarkashi,
4. Principal, Govt. Kriti Inter College, Uttarkashi.

---Respondents.

Sri S.N. Babulkar, learned Senior Counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent nos. 3 & 4.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.N. Babulkar, learned Senior Counsel for the petitioner and Sri N.P. Sah, learned Standing counsel for the State of Uttarakhand/ respondent nos. 3 & 4.

By means of this writ petitions, the petitioner has prayed for the following reliefs:-

(a) To issue an order, direction or writ in the nature of certiorari quashing the impugned termination order dated 20.09.1995 passed by respondent no.4 annexed as annexure '8' to this writ petition,

(b) To issue an order, direction or writ in the nature of mandamus directing the respondent no. 4 not to give effect the impugned termination order dated 20.09.1995 passed by him and the petitioner be continued on his post of typing trade lecturer of

vocational education in the college and he be paid salary of lecturer continuously in future during pendency of this writ petition,

(c) To issue any other order, direction or writ in the circumstances of the case as this Hon'ble Court may deem fit and proper,

(d) To award cost of the writ petition to the petitioner.

Vide order dated 20th September 1995 passed by Principal, Govt. Kirti Inter College, Uttarkashi the services of the petitioner were terminated from the post of Visiting Lecturer "Typing Trade'.

A counter affidavit has been filed by the respondents in which they have taken stand that the petitioner was never appointed as regular Lecturer in Typing Trade in the Institution and, in fact, he was offered proposal to give lecture on the subject on an honorarium of Rs. 50/- per day and the petitioner had worked in the Institution from 1990 to 1995.

Briefly stated; that a scheme of Vocationalisation of Secondary Education was sponsored by the Govt. of India, Ministry of Human Resources Development, Department of Education, New Delhi. The object was to divert at least 50 per cent of students completing 10 years' education to the vocational stream, reducing the pressure on the Universities and also preparing students for gainful employment. Under this Scheme, State Council for Vocational Education (hereinafter referred to as the SCVE) should be established as the State-level-counterpart of the Joint Council for Vocational Education (hereinafter referred to as the JCVE) and will function as the overall policy formulating and coordinating body for vocational

education and training at the State level. One of the functions which are to be performed by the SCVE, keeping in view the guidelines of the JCVE would be to prepare norms for the selection of institutions and collaborating institutions and for appointment of fulltime and part-time teachers.

Under the Scheme, an advertisement was issued on 26.06.1991 and the petitioner was selected as Lecturer of Typing of vocational trade in the Institution to teach the student occupying Typing Trade whenever his services were required by the Institution and his engagement was on honorarium basis on a consolidated sum of Rs. 50/- per day. In the year 1995, the respondents have terminated engagement of petitioner.

I have perused the counter affidavit filed by the respondents. In the counter affidavit there is no such iota of version either the Scheme is still continuing or not and whether the Trade in which the petitioner was engaged is still functioning in the Institution or not, even it is not mentioned in the counter affidavit whether students in the Trade concerned are available in the Institution or not? On the other hand, learned counsel for the petitioner has submitted that other persons who were also engaged under the Scheme, have been adjusted by the Department in some other Institution.

In the forgoing circumstances it is provided that, in case, if the Scheme is still in existence and the Trade of Typing in which the petitioner was engaged is in existence in the Institution and the student are available for undertaking said training, the petitioner may be engaged on the same terms and conditions prescribed under the Scheme. Further even if the students are not available in the Institution, in case, in some

other Institution the students are available and no person is available to teach the students in the concerned Trade, the petitioner may be adjusted in that Institution on the same terms and conditions as stipulated under the Scheme.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 21, 2007:
NCM: